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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,768	10/11/2001	Masatake Tamaru	VX012373	7574
21369	7590	06/15/2004	EXAMINER	
VARNDELL & VARNDELL, PLLC 106-A S. COLUMBUS ST. ALEXANDRIA, VA 22314			NGUYEN, KIMNHUNG T	
		ART UNIT		PAPER NUMBER
		2674		10

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PFL

Office Action Summary	Application No.	Applicant(s)
	09/973,763	TAMARU, MASATAKE
	Examiner	Art Unit
	Kimnhung Nguyen	2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This application has been examined. The claims 2-11 are pending. The examination results are as following.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-3, 6-7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi et al (US 6,643,582) in view of Reid (US 6,411,205).

Regarding claim 2, Adachi et al. disclose in figure 4, a display device (see monitor 25) for construction machine, which is arranged in a construction machine and comprises a memory device that stores data concerning a construction site (see storage device 21) that stores data concerning a construction site (see figure 1, see work site A, B, C, see column 3, lines 45-46) and a data retrieving device that retrieves the data stored in the memory device the data stored in the memory device; and a data display screen (see monitor 25) arranged on the construction machine. However, Adachi et al. do not disclose a data processing device that processes the data retrieved by the data retrieving device into data suited for people in the neighborhood of the construction site; and a data display screen that is arranged to face toward an outside of the construction machine, and displays the

data concerning the construction site that is processed by the data processing device so as to be readable from the outside of the construction machine. Reid discloses in figures 2-3, a display unit (31) is constructed mounted on a racing vehicle and the data display screen is displayed outside of the vehicle (see column 6, lines 16-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the using of the display screen is displayed outside of the vehicle as taught by Reid into the display system of Adachi et al. having the construction machine because this would for helping the user can be readily seen from outside of the vehicle (see Reid, see abstract), and also for suiting for the people in the neighborhood of the construction machine.

Regarding claims 3 and 7, Adachi et al. disclose, wherein the data concerning the construction site comprises data in a work process chart that sets forth scheduled works to be done and work performance results (see figure 13, column 7, lines 46-51).

Regarding claim 6, Adachi et al. disclose in figures 1 and 4, a system for construction machines adapted for a construction site where a plurality of construction machines are in operation (A, B, C, figure 1), the plurality of construction machines being connected through a communication apparatus so as to enable transmission (see transmitter 30) and reception (see receiver 35) of data among the plurality of construction machines, wherein one of the plurality of construction machines is designated as leader machine to the follower machines (see base station BC, personal computer PC and service center SF1-SFn) via the communication apparatus (see communications satellite CS, see column 3,

lines 49-60); and a data display screen is provided on at least one of the construction machines in such a manner that the data concerning the construction site is displayed toward an outside of the construction machine (see service center SF stored in the data base 47, see column 6, lines 41-51).

Regarding claims 10-11, Adachi et al. disclose an operator display device for use by an operator is provided in an inherent operator room of the construction machine. However, Adachi et al. do not disclose and the operator display device displays the data in the work process chart which is retrieved from the memory device by the data retrieving device and which is not processed by the data processing device. Reid discloses in figures 2-3, operator display device displays the data in the work process chart which is retrieved from the memory device by the data retrieving device and which is not processed by the data processing device (see a display unit (31) is constructed mounted on a racing vehicle and the data display screen is displayed outside of the vehicle (see column 6, lines 16-19)), and therefore, suiting for the people in the neighborhood of the construction machine as discusses above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi et al. (US patent 6,643,582) in view of Reid (US 6,411,205) as applied to claims 2 and 6 in view of Sutherland (US patent 6, 041,657).

Adachi et al. disclose in figure 4, a display device (see monitor 25) for construction machine, which comprises a memory device arranged within the construction machine (see storage device 21) that stores data concerning a construction site (see figure 1, see work site A, B, C, see column 3, lines 45-46) and a processing device retrieving the data stored in the memory device. Reid discloses the display screen is displayed outside of the vehicle as discusses above. However, Adachi et al. and Reid do not disclose a measuring instrument for measuring noise levels in the construction site is provided on each of the plurality of construction machines is provided with the data display screen that is arranged to face toward an outside of said at least one of the construction machines.

Sutherland discloses an apparatus having the level equivalent average noise generated by work implement under specified conditions (see the total sound power emitted by a work machine or determining the level equivalent average noise generated by work implement under specified conditions by a work machine (see abstract, see column 2, lines 19-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of using an apparatus having the level equivalent average noise generated by work implement under specified conditions by a work machine as taught by Sutherland into the display system for construction machines of Adachi et al. and Reid because this would for the user control the measurement of both exterior and

interior sound generated by a work machine in either a dynamic or static operating mode (see abstract).

5. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi et al. (US patent 6,643,582) and Reid (US 6,411,205) as applied to claims 2 and 6 above, and further in view of Murga (US patent 4,845,629).

Adachi et al. disclose in figure 4, a display device (see monitor 25) for construction machine, which comprises a memory device arranged within the construction machine (see storage device 21) that stores data concerning a construction site (see figure 1, see work site A, B, C, see column 3, lines 45-46) and a processing device retrieving the data stored in the memory device. Reid discloses the display screen is displayed outside of the vehicle as discusses above as discusses above. However, Adachi et al. and Reid do not disclose wherein a measuring instrument for measuring toxic substance concentrations in the construction site is provided in the machine. Murga discloses an automatic system for surveillance having toxic substance (see the system is arranged to monitor the position of aircraft in the taxiways, and parking areas and flight lanes and in the event of an accident in the flight lane to extinguish any fires caused thereby (toxic substance, see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of using the system having the event of an accident in the flight lane to extinguish any fires caused thereby (or toxic substance) as taught by Murga

into the display device for construction machine of Adachi et al. and Reid because this would help the people how to do when an accident happened in the air line.

Response To Arguments

6. Applicant's argument filed on 4-14-04 has been fully considered but they are not persuasive in view of new ground rejection.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number (703) 308-0425.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D. C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Art Unit: 2674

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kimnhung Nguyen
June 7, 2004



REGINA LIANG
PRIMARY EXAMINER